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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,195	06/03/2002	Hans-Jurgen Hannig	009646/00004.3	6251

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EXAMINER	
GARCIA, ERNESTO	
ART UNIT	PAPER NUMBER
3679	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/019,195	HANNIG ET AL.	
	Examiner	Art Unit	
	Ernesto Garcia	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,8 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,8 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2006 has been entered.

The indicated allowability of claims 3, 8, and 31 are withdrawn in view of the newly discovered reference to Zancai, WO-00/63510. Rejections based on the newly cited reference(s) follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on December 10, 2004. These drawings are acceptable; however, the drawings contain discrepancies.

The drawings are objected to because Figures 1-4 should be cross-hatched; otherwise, these figures are showing the end face and thus do not have any retaining profiles in the wider sides. Further, reference character "4a" and "5b" in Figures should be designated with an arrow to distinguish the feature from the leg and the hook element. Reference character "25" in Figure 5 should be shifted to the left as "24" has shown. Reference characters 24 and 25 should be without arrows since "20" and "21" appear to be showing the same feature. Further, reference characters 2 in Figure 13 should be deleted as these do not point to a fastening system but rather the retaining profiles.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "3", "4", "5", and "6" have been used to designate the same panel in Figures 1-2 and 4.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22" and "23" have been used to designate the same panel in Figure 5.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "40" and "41" have been used to designate the same panel in Figures 6-12.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4' " and "5' " have been used to designate the same panel in Figure 3.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4b" and "5b" have both been used to designate the same retaining profile in Figures 1-2, 4, and 13.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4a" and "5b" have both been used to designate the same retaining profile in Figures 1-2.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" and "8" in Figures 2-3 have both been used to designate the same underside. Note that all the panels are the same and thus the same feature should correspond with the same reference character.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16" and "9" in Figures 2-3 have both been used to designate the same topside. Note that all the panels are the same and thus the same feature should correspond with the same reference character.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4g" (Figure 2) and "5g" (Figure 3) have both been used to designate the same retaining surface. Note that these surfaces are reversed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "5g" (Figure 2) and "4g" (Figure 3) have both been used to designate the same retaining surface. Note that these surfaces are reversed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4f" (Figure 2) and "5f' " (Figure 3) have both been used to designate the same retaining surface. Note that these surfaces are reversed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "5f" (Figure 2) and "4f' " (Figure 3) have both been used to designate the same retaining surface. Note that these surfaces are reversed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "11" (Figure 2) and "15" (Figure 4) have both been used to designate the same opening.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4c" (Figure 2) and "5f' " (Figure 3) have both been used to designate the same short hook element. Note that these hook elements are reversed between the species.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12a" (Figure 2) and "12e" (Figure 3) have both been used to designate the same pocket.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4d" (Figures 1 and 2) and "4f' " (Figure 3) have both been used to designate the same long hook element. Note that these hook elements are reversed between the species.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "4a" has been used to designate both a profile element with a short hook element 4c (Figure 2) and another profile element with a long hook element (Figure 3).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "5b" has been used to designate both a profile element

with a long hook element 4d (Figures 1 and 2) and another profile element with a short hook element 5f' (Figure 3).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "5h" has been used to designate both an end with a long size (Figure 2) and another end with a short size (Figure 3).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both an end with a short size (Figure 2) and another end with a long size (Figure 3).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a retaining profile with a first configuration (Figure 5) and another retaining profile with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "21" has been used to designate both a retaining profile with a first configuration (Figure 5) and another retaining profile with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both a hook element with a first configuration (Figure 5) and another hook element with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "29" has been used to designate both a hook projection with a first configuration (Figure 5) and another hook projection with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "28" has been used to designate both a hook projection with a first configuration (Figure 5) and another hook projection with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "33" and "34" has been respectively used to designate both a retaining surface with a first configuration (Figure 5) and another retaining surface with a second configuration (Figure 5.1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate a floor covering with two

panels having each a first configuration of projection profiles in the narrow sides (Figure 1), a floor covering with two panels having each a second configuration of projection profiles in the narrow sides (Figures 6-12), and a floor covering with one panel having profiles shown in Figure 6 in the wider sides and profiles shown in Figure 2 in the narrow sides.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate a fastening system with a first configuration of the projection profiles (Figures 1 and 2) and another fastening system with a second configuration of the projection profiles (Figure 3).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "a" and "b" shown in Figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases, which can be implied, such as, "The disclosure concerns", "The disclosure defined by this invention", "The disclosure describes", "The invention relates to", etc.

The amendment filed June 16, 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 13 was introduced as new matter along with the description that the profiles of Figures 1-2 and the profiles of Figures 6-12 are in one panel. Nowhere is there support that indicates that the profiles 42 and 43 are at the long sides of the rectangular panel as shown in

Figure 13. According to the original disclosure, the profiles 42 and 43 are in the narrow sides (see original disclosure at page 15, lines 9, 23, 24, and 30) in one species and the profiles 4a and 4b are in the same narrow sides in another species (see original disclosure at page 11, line 22). This is also evident by the amendment to the description of Figure 13 filed on March 9, 2005. Here, the description is inaccurate and unsupported because a rectangular does not have four narrow sides but rather two narrow sides and two wide sides. Furthermore, according to the specification, the profiles 4a and 4b are in the narrow sides, i.e., the long sides of the rectangle according to convention, and not in the short sides of the rectangle as applicants are intending to describe. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Claims 1-8, 29, 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3, 8, and 31, the term "narrow" in line 2 is a relative term, which renders the claim indefinite. The term "narrow" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention. In order to specify narrow sides, wide sides needs to be recited, or the panels need to be described being each a rectangle such that the narrow sides of the rectangle panels are inherent thus providing proper relation to the wide sides of the rectangle.

Regarding claim 3, the meets and bounds of the claim is unclear. It is unclear what the fastening system is comprised of. Furthermore, the preamble states that the fastening system is "for panels" yet the body of the claim positively makes reference to the panels having retaining profiles in line 2, which indicates the profiles are arranged at narrow sides of the panels. Applicant still needs to state what is a fastening system. Are the applicants claiming the fastening system without the panels or in combination with the panels? Moreover, are the "mutually oppositely disposed retaining profiles" in lines 2-3, the same "retaining profiles" in lines 1-2? Further, is "a first panel and a second panel" in line 3 the same panels that the fastening system is intended to be used for in line 1, or other panels?

Further, the recitation "the hook projection at the underside of the first panel" in line 13 is misdescriptive since the underside of the first panel would be the bottom side and the hook projection is not located at the underside, i.e., at the bottom of the panel. Further, the claim does not previously set forth that the hook projection is at the underside and thus it is unclear whether this is the same hook projection recited in line 6. Further, the recitation following "can be" in line 5 is not positively required and thus

makes unclear what the claim actually requires. Is the fastening system assembled or not?

Regarding claims 3, 8 and 31, the description "the retaining surfaces of the hook projection bear against the retaining surface of the complementary hook projections" in lines 10-11 is misdescriptive since only one retaining surface of one hook projection bears against the retaining surface of a complementary hook projection and not that both surfaces 4g,5g bears against other retaining surfaces. The recitation "complementary hook projections" in line 11 lacks proper antecedent basis. Further, the recitation following "can be" in line 5 is not positively required and thus makes unclear what the claim actually requires. Is the fastening system assembled or not and does it requires the features recited after "can be"?

Regarding claim 31, the recitation "the hook projection at the top side of the first panel" in line 13 is misdescriptive since the hook projection is not located at the top side, i.e., at the top surface of the first panel. Further, the claim does not previously set forth that the hook projection is at the top side and thus it is unclear whether this is the same hook projection recited in line 6.

Claim Rejections - 35 USC § 102

Claims 8 and 31 are rejected under 35 U.S.C. 102(b) as being anticipate by Zancai WO-00/63510.

Regarding claim 8, Zancai discloses, in Figure 8, a fastening system comprising a first panel **10** and a second panel **10**. The first panel **10** and the second panel **10** are rectangular. The narrow sides of the panels have mutually oppositely disposed retaining profiles **A1,A2**. One of the retaining profiles **A1,A2** of the first panel matches with one of the retaining profiles of the second panel thus forming oppositely disposed retaining profiles having complementary hook elements **30,34**. The hook elements have hook projections **33,36** connected to legs **A5,A5'** of the first panel **10** and the second panel **10**. Each of the hook projections has a retaining surface A**6** being inclined such that the hook projections are reduced from their free ends towards the legs **A5,A5'**. The retaining surfaces A**6** bear against each other. The hook projection **33,36** of the first panel bears against the leg at the second panel. Intermediate spaces **32**, **A7** are provided with clearance and form adhesive pockets.

Regarding claim 31, Zancai discloses, in Figure 8, a fastening system comprising a first panel **10** and a second panel **10**. The first panel **10** and the second panel **10** are rectangular. The narrow sides of the panels have mutually oppositely disposed retaining profiles **A1,A2**. One of the retaining profiles **A1,A2** of the first panel matches with one of the retaining profiles of the second panel thus forming oppositely disposed retaining profiles having complementary hook elements **30,34**. The hook elements have hook projections **33,36** connected to legs **A5,A5'** of the first panel **10** and the second panel **10**. Each of the hook projections has a retaining surface A**6** being

inclined such that the hook projections are reduced from their free ends towards the legs **A5,A5'**. The retaining surfaces A**6** bear against each other. The hook projection **33,36** of the first panel bears against the leg at the second panel. A clearance A**7** is provided between a hook projection **30** of the second panel **10** and a leg **A5,A5'** of the first panel.

Claim Rejections - 35 USC § 103

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zancai WO-00/63510.

Regarding claim 3, Zancai discloses, in Figure 8, a fastening system comprising a first panel **10** and a second panel **10**. The first panel **10** and the second panel **10** are rectangular. The narrow sides of the panels have mutually oppositely disposed retaining profiles **A1,A2**. One of the retaining profiles **A1,A2** of the first panel matches with one of the retaining profiles of the second panel thus forming oppositely disposed retaining profiles having complementary hook elements **30,34**. The hook elements have hook projections **33,36** connected to legs **A5,A5'** of the first panel **10** and the second panel **10**. Each of the hook projections has a retaining surface A**6** being inclined such that the hook projections are reduced from their free ends towards the legs **A5,A5'**. The retaining surfaces A**6** bear against each other. The hook projection **33,36** of the first panel bears against the leg at the second panel. A clearance A**7** is

provided between a hook projection **30** of the second panel **10** and a leg **A5,A5'** of the first panel. However, the hook projection that bears against the leg at a top side of the second panel is not at an underside. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the hook projections such that the hook projection of the second panel that bears with the leg is at an underside and the leg is at the top side. *In re Einstein*, 8 USPQ 167.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

December 20, 2006
Attachment: one marked-up page of Zancai, WO 00/63510

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Zancai, WO 00/63510

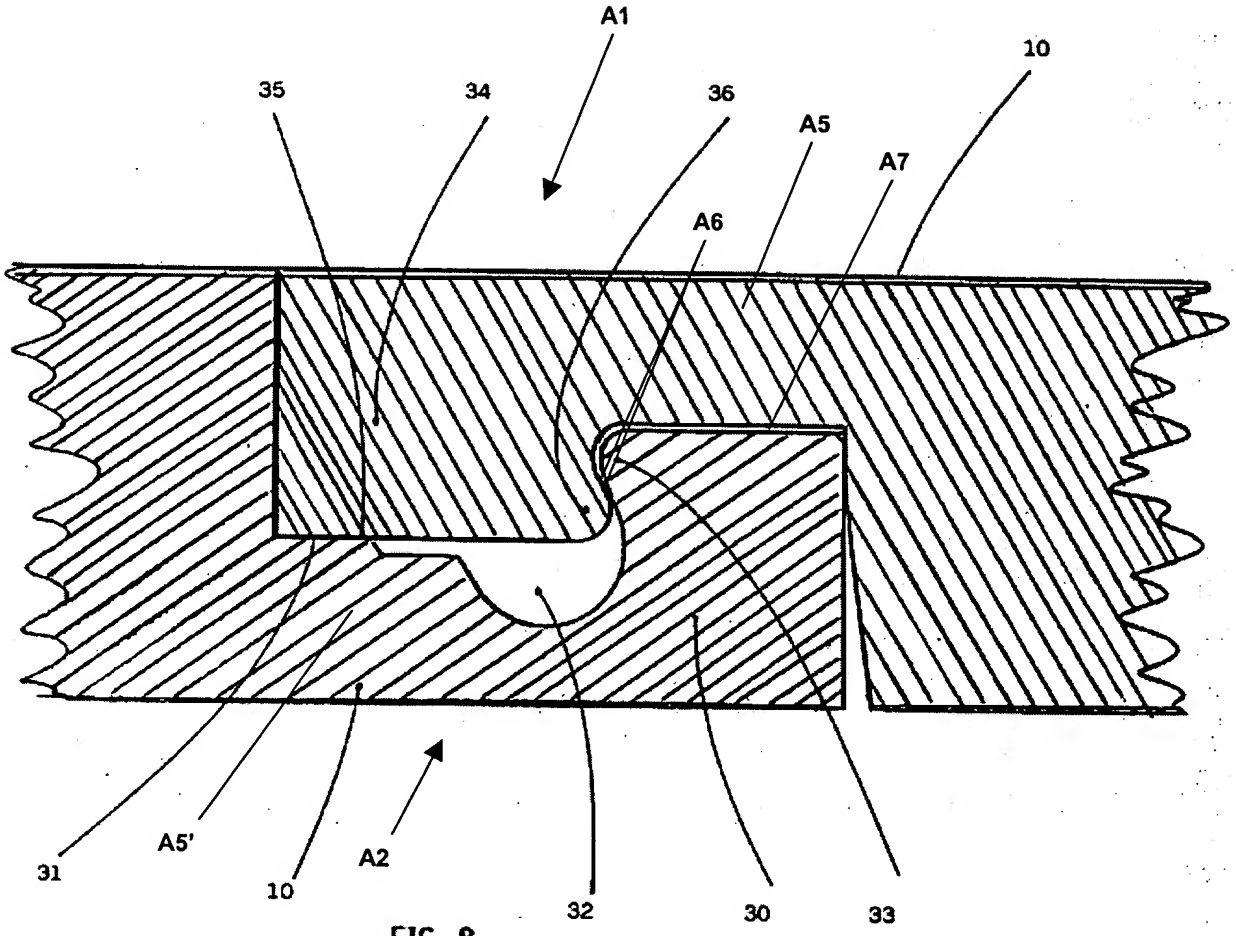

FIG. 8